



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Finklestein, et al.

Serial No: 09/642,277

Filed: August 18, 2000

For: *Compositions and Kits for Promoting
Recovery For Damage to the Central
Nervous System*

Art Unit: 1636

Examiner: Sullivan, Daniel M.

Attorney Docket No. CBA-003.01

Customer Number: 25181

CERTIFICATE OF MAILING

I hereby certify that the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2003.


John Barretto

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON REASONS FOR ALLOWANCE

Sir:

Applicants note with thanks the Examiner's determination that claims 49-55 are allowed.

Applicants observe that in the interview summary filed by the Examiner for the Examiner-Initiated Interview on August 22, 2003, the Examiner stated that:

The Examiner's position is that claim 56 is not allowable because it still encompasses subject matter that is obvious over the art. In particular, stem cells obtained from blood encompasses neural stem cells. The Examiner's position is that claim 57 cannot be entered after final because the cells of the claim are not limited to stem cells and therefore expand the scope of the claims beyond that which was examined. Applicant's representative agreed to allow the Examiner to cancel claims 56 and 57.

In response, Applicants point out that the cancellation of claims 56 and 57 was authorized solely to expedite allowance of the remaining claims and without prejudice to Applicants' rights to present and prosecute claims 56 and/or 57 (or similar claims) in subsequent applications.

Applicants do not acquiescence in the Examiner's positions as to the patentability or scope of the

canceled claims. Rather, Applicants reserve their right to respond to the Examiner's instant positions as well as to any rejections that might be brought against these or similar claims.

Respectfully submitted,
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Dated: September 30, 2003

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